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(5) KC

C.R.M. 8523 of 2020

(Via Video Conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kolkata Leather Complex Police Station Case No. 157 of 2018 dated 11.10.2018 under Sections 302/324/34 of the Indian Penal Code.

In the Matter of : Rabin Mondal

.... petitioner.

Mr. Angshuman Chakraborty.....For the petitioner.

Ms. Zareen N. Khan,

Mr. Mirza Firoj Ahmed Begg.....For the State.

The advocate-on-record for the petitioner undertakes to affirm and properly stamp the petition as per the rules within forty eight hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner is in custody for nearly two years. This court on 19th December, 2019 and 15th May, 2020 rejected his bail applications.

In this case charge was framed long ago. The witnesses for the prosecution are being examined. Only one witness out of twenty four witnesses has been examined so far. Trial is stated to be suspended because of the covid pandemic.

There are no allegations against the petitioner like tampering with evidence or interfering with witnesses or fleeing from justice.

In that view of the matter, we are of the view that the petitioner cannot be indefinitely kept in custody pending trial.

We direct the court below to conclude trial by 31st March, 2021. If that is not possible the learned judge of the court below shall grant bail to the petitioner on such terms and conditions as it deem fit and proper.

CRM 8523 of 2020 is disposed of.

(I.P. MUKERJI, J.)

(MD. NIZAMUDDIN, J.)